

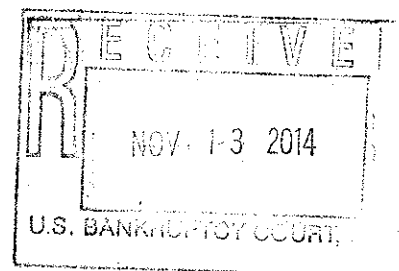
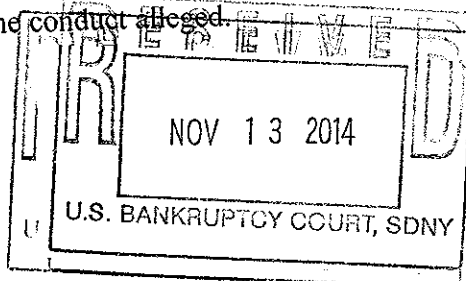
**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re: )  
 ) Case No. 12-12020 (MG)  
 )  
RESIDENTIAL CAPITOL, LLC, et al., )  
 ) CHAPTER 11  
 )  
Debtors. )

**RESPONSE RESCAP BORROWER CLAIMS TRUST'S SEVENTY-FIFTH  
OMNIBUS OBJECTION TO CLAIMS  
(NO LIABILITY BORROWER CLAIMS)  
AS TO CLAIM NO. 1574**

*Claim 1574 Filed by Rainer Warner*

1. Mr. Warner in reply of the two statements in paragraph 4 of Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to claims (No-Liability Borrower Claims) As to Claim No. 1574 which were identified in the response and objection to the Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) there was not a mention of improperly denying requests for loans; however Mr. Warner has exhibited enough evidence concerning problems and incompetence with the loan modification and short sale reviews, and that the debtors had no intentions to allow a loan modification as the debtor's were better off not to allow either form of remedy as private mortgage insurance (PMI) was better suited for the debtors to offset losses in the case where a mortgagor is not able to repay the loan and the lender is not able to recover its costs after foreclosure and sale of the mortgaged property; therefore again it is possible the plaintiff's injury was a foreseeable consequence of the conduct alleged.



2. Mr. Warner in his previous response stated that there were three (3) BPO's done on the property. Debtor's claimed there were nine (9) BPO's necessary to be properly ordered and charged to Claimant's account in accordance with Debtors standard business practices, and the terms of the note and mortgage. Acknowledging and resubmitting Exhibit G, Mr. Warner has pointed out the inconsistencies that were addressed to the inspections and especially the BPO's. Exhibit G shows that there were eight (8) BPO's related to the property not nine (9) as the debtor's stated; it also showed BPO's being conducted from 2009 to 2012 most BPO's are good for six (6) months per GMAC before it is out of date. Exhibit G shows the BPO "being properly ordered" within 5 months (2/4/2009 - 7/27/2009), 3 months, (7/27/2009 - 10/19/2009) and 1 month (10/19/2009 - 11/12/2009) of each other. BPO's are usually a process very similar to an appraisal, this process involves outside photos, inside photos, comps, and agreement of the owner/occupant.

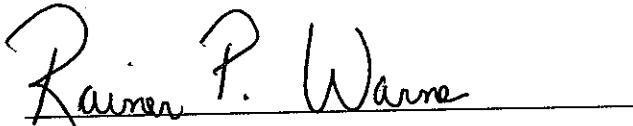
3. Mr. Warner challenged the Debtors to produce any pictures taken of any proposed property inspections and BPO's, other than the authorized pictures taken for the three (3) BPO's. The debtors provided inside photos of the property from three companies 1. PCV/ Murcor Inc "properly ordered" 3/25/2010 and completed 3/30/2010. 2. Core Logic "properly ordered" on 2/2/2012 and completed on 2/3/2012. eMortgage Logic "properly ordered" and completed on 4/8/2012 Exhibit G also shows where the debtors ordered a BPO to First American Residential Value order date 2/2/2012 completed 2/4/2012 where Core Logic did the inspection on 2/3/2012 in the same time span; therefore per Exhibit G there were only eight (8) BPO's ordered, three (3) which included outside photos, inside photos, comps, and agreement of the owner/occupant.

SUMMARY

Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) with regards to paragraph 4 of the Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) As to Claim No. 1574 continue to dance around loan modifications and short sales for the debtor's not to have liability for their actions. Of the thirteen (13) issues in which a reply was given in the Response and Objection to Notice of the Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) the two issues raised here have no additional merit as the debtor's would not be in this situation if the claims against them were false. In his reply Mr. Warner has addressed and proven through Exhibit G, that there were only three BPO's properly ordered and within reasonable time frames. All other BPO's and inspections were not necessary and should not have been ordered as their was no justifiable cause.

WHEREFORE, The Claimant Rainer P. Warner, respectfully request that the *Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims)* be denied with prejudice

Respectfully Submitted by,

A handwritten signature in cursive script that reads "Rainer P. Warner". The signature is written in dark ink and is positioned above a horizontal line.

RAINER P. WARNER

Dated 9 November 2014

**CERTIFICATE OF SERVICE**

I certify that on November 10, 2014, copies of this Response were served by mailing the same by ordinary U.S. Mail, postage pre-paid, and/or via electronic mail to the persons listed below:

(i) Chambers of the Honorable Martin Glenn  
United States Bankruptcy Court for the Southern District of New York  
Alexander Hamilton Custom House  
One Bowling Green  
New York, NY 10004-1408

(ii) Morrison & Foerston LLP,  
Counsel for the Debtors  
ATTN: Norman S. Rosenbaum, Jordan A. Wishnew, and Jessica J. Arett  
250 West 55<sup>th</sup> Street  
New York, NY 10019

(iii) The ResCap Borrower Claims Trust  
Polsinelli PC  
ATTN: Daniel J. Flanigan  
900 Third Avenue, 21<sup>st</sup> Floor  
New York, NY 10022

(iv) Office of the United States Trustee for the Southern District of New York  
ATTN: Linda A Rifkin, Esq., and Brian S. Masumoto, Esq.  
U.S. Federal Office Building  
201 Varick Street, Suite 1006  
New York, NY 10014

(v) The ResCap Liquidating Trust  
Quest Turnaround Advisors  
ATTN: Jeffrey Brodsky  
800 Westchester Avenue, Suite S-520  
Rye Brook, NY 10573

Property Job Summary.

12-12020-mg Doc 7727-8 Filed 11/07/14 Entered 11/07/14 18:07:33 Exhibit G  
Pg 3 of 209



CoreLogic Field Services  
1 First American Way  
Westlake, TX 76262  
1-800-873-4532

Client: Ocwen Loan Servicing, LLC - Homecomings Mortgage: RAINER P WARNER  
Loan #: 6197 Address: 510 ENTRADA ST SE  
Guarantor: UNIN PALM BAY FL 32909-

Order Id	Man/PLS Code	Request On	Request Type	FAFS Received Date	Completed Date	Invoice Date	Invoice #	Invoice Amount	Occupancy Status	Order Status
23886557	060	Property	Foreclosure Inspection	12/25/2012	12/27/2012	12/27/2012	42612645	\$14.75	Owner (Mortgagor)	Completed
238225517	060	Property	Foreclosure Inspection	11/24/2012	11/26/2012	11/26/2012	42180048	\$14.75	Owner (Mortgagor)	Completed
237633838	060	Property	Foreclosure Inspection	10/25/2012	10/30/2012	10/31/2012	41845047	\$14.75	Occupied Name Unknown	Completed
236957690		Property	Foreclosure Inspection	9/25/2012	10/03/2012	10/05/2012	41422467	\$16.50	Occupied Name Unknown	Completed
236350640		Property	Foreclosure Inspection	8/25/2012	8/29/2012	8/29/2012	40945860	\$14.75	Owner (Mortgagor)	Completed
235745661		Property	Foreclosure Inspection	7/26/2012	7/27/2012	7/27/2012	40499847	\$14.75	Owner (Mortgagor)	Completed
235141703		Property	Foreclosure Inspection	6/26/2012	7/02/2012	7/04/2012	40133088	\$14.75	Owner (Mortgagor)	Completed
234559319		Property	Foreclosure Inspection	5/26/2012	6/05/2012	6/06/2012	39763703	\$16.50	Occupied Name Unknown	Completed
233955873		Property	Foreclosure Inspection	4/26/2012	5/03/2012	5/04/2012	39311798	\$13.00	Owner (Mortgagor)	Completed
233344370		Property	Foreclosure Inspection	3/27/2012	3/31/2012	4/04/2012	38906286	\$14.75	Owner (Mortgagor)	Completed
232781514		Property	Foreclosure Inspection	2/24/2012	2/27/2012	2/29/2012	38480361	\$14.75	Owner (Mortgagor)	Completed
232175897		Property	Foreclosure Inspection	1/24/2012	1/27/2012	1/30/2012	38069694	\$14.75	Occupied Name Unknown	Completed
231572636		Property	Foreclosure Inspection	12/24/2011	12/28/2011	12/29/2011	37615431	\$14.75	Owner (Mortgagor)	Completed
230961957		Property	Foreclosure Inspection	11/24/2011	11/29/2011	11/30/2011	37211185	\$11.25	Owner (Mortgagor)	Completed
230368793		Property	Foreclosure Inspection	10/27/2011	11/01/2011	11/03/2011	36786069	\$11.25	Occupied Name Unknown	Completed
229769492		Property	Foreclosure Inspection	9/27/2011	10/05/2011	10/07/2011	36343698	\$11.25	Occupied Name Unknown	Completed
229147610		Property	Foreclosure Inspection	8/27/2011	8/29/2011	8/29/2011	35764582	\$11.25	Owner (Mortgagor)	Completed
228599195		Property	Foreclosure Inspection	7/28/2011	7/28/2011	7/29/2011	35325477	\$11.25	Owner (Mortgagor)	Completed
228082856		Property	Foreclosure Inspection	6/28/2011	6/29/2011	7/06/2011	34964733	\$11.25	Occupied Name Unknown	Completed
227600471		Property	Foreclosure Inspection	5/28/2011	6/04/2011	6/06/2011	34531772	\$11.25	Owner (Mortgagor)	Completed
227103400		Property	Foreclosure Inspection	4/28/2011	4/30/2011	5/04/2011	34147683	\$11.25	Occupied Name Unknown	Completed
226639095		Property	Foreclosure Inspection	3/31/2011	4/06/2011	4/08/2011	33781391	\$11.25	Occupied Name Unknown	Completed
226206535		Property	Foreclosure Inspection	3/01/2011	3/04/2011	3/07/2011	33383246	\$11.25	Occupied Name	Completed

} Occupied

} Occupied

} Occupied

} Occupied

} Excessive

Property Job Summary.

Page 2 of 2

									Unknown	
225741618		Property	Foreclosure Inspection	1/29/2011	1/31/2011	2/04/2011	32992531	\$11.25	Owner (Mortgagor)	Completed
225255073		Property	Foreclosure Inspection	12/30/2010	1/06/2011	1/06/2011	32595133	\$11.25	Owner (Mortgagor)	Completed
224728022		Property	Foreclosure Inspection	11/30/2010	12/07/2010	12/07/2010	32150705	\$11.25	Occupied Name Unknown	Completed
224199257		Property	Foreclosure Inspection	11/01/2010	11/03/2010	11/04/2010	31651492	\$11.25	Owner (Mortgagor)	Completed
223636197		Property	Foreclosure Inspection	9/30/2010	10/04/2010	10/04/2010	31197202	\$11.25	Owner (Mortgagor)	Completed
223048693		Property	Foreclosure Inspection	8/26/2010	8/30/2010	8/31/2010	30691009	\$11.25	Owner (Mortgagor)	Completed
222500141		Property	Foreclosure Inspection	7/27/2010	8/03/2010	8/03/2010	30238222	\$11.25	Owner (Mortgagor)	Completed
221959607		Property	Foreclosure Inspection	6/26/2010	6/30/2010	7/13/2010	29848084	\$11.25	Owner (Mortgagor)	Completed
221441045		Property	Foreclosure Inspection	5/27/2010	5/30/2010	5/31/2010	29278435	\$11.25	Owner (Mortgagor)	Completed
220916739		Property	Foreclosure Inspection	4/27/2010	5/04/2010	5/04/2010	28848014	\$11.25	Owner (Mortgagor)	Completed
219990507		Property	Foreclosure Inspection	3/09/2010	3/16/2010	3/17/2010	28104492	\$11.25	Occupied Name Unknown	Completed
219542306		Property	Initial Securing	2/10/2010	2/11/2010	2/12/2010	27676213	\$35.00	Owner Occupied	Completed
219496179		Property	Foreclosure Inspection	2/06/2010	2/09/2010	2/15/2010	27659698	\$11.25	Vacant & Locked	Completed
218957438		Property	Foreclosure Inspection	1/07/2010	1/13/2010	1/13/2010	27176668	\$11.25	Occupied Name Unknown	Completed
218435441		Property	Foreclosure Inspection	12/08/2009	12/17/2009	12/17/2009	26777728	\$11.25	Occupied Name Unknown	Completed
217357792		Property	Foreclosure Inspection	10/08/2009	10/17/2009	10/19/2009	25876918	\$11.25	Owner (Mortgagor)	Completed
216726878		Property	Foreclosure Inspection	9/08/2009	9/13/2009	9/15/2009	25275508	\$11.25	Owner (Mortgagor)	Completed
216129934		Property	Foreclosure Inspection	8/07/2009	8/11/2009	8/12/2009	24732817	\$11.25	Occupied Name Unknown	Completed
215489741		Property	Foreclosure Inspection	7/02/2009	7/04/2009	7/06/2009	24150819	\$11.25	Occupied Name Unknown	Completed
214910382		Property	Foreclosure Inspection	6/02/2009	6/06/2009	6/09/2009	23694023	\$11.25	Occupied Name Unknown	Completed
213795388		Property	Foreclosure Inspection	4/01/2009	4/04/2009	4/06/2009	22698746	\$11.25	Occupied Name Unknown	Completed
212328335		Property	Borrower Interview	1/06/2009	1/13/2009	1/15/2009	21521881	\$11.25	Owner (Mortgagor)	Completed
211687390		Property	Borrower Interview	11/18/2008	11/29/2008	12/03/2008	20994558	\$11.25	Occupied Name Unknown	Completed
211165136		Property	Borrower Interview	10/17/2008	10/26/2008	11/04/2008	20636347	\$11.25	Occupied Name Unknown	Completed

} Occupied

} Excessive

Never Took Place  
Never Happened

} Occupied

INCONSISTENCIES IN PRICES  
INCONSISTENCIES IN WHETHER THE PROPERTY WAS OCCUPIED OR MORTGAGOR OWNED  
THIS IS CLEAR INDICATION THAT NO ONE PHYSICALLY DROVE  
PAST THE PROPERTY OR WITNESSED MOVEMENT AROUND THE PROPERTY.